

A U S T I N C I T Y C O U N C I L

## AGENDA



Thursday, October 05, 2006

 + [Back](#)  [Print](#)**Zoning and Neighborhood Plan Amendments  
(Public Hearings and Possible Action)  
RECOMMENDATION FOR COUNCIL ACTION****ITEM No. 49**

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**Subject:** C14-06-0128 - Austex/Reeves - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 403 East Braker Lane (Walnut Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Applicant: Austex Body & Paint (Henry Jones.) Agent: Jim Bennett. City Staff: Jorge E. Rousselin, 974-2975.

**Additional Backup Material**

(click to open)

 [Staff Report](#)**For More Information:**

**ZONING REVIEW SHEET****CASE:** C14-06-0128**Z.A.P. DATE:** July 18, 2006

August 15, 2006

**ADDRESS:** 403 East Braker Lane**OWNER:** Austex Body & Paint (Henry Jones)**AGENT:** Jim Bennett**REZONING FROM:** GR-CO (Community commercial –conditional overlay) district**TO:** GR-CO (Community commercial –conditional overlay) district**AREA:** 0.56 Acres (24,393.6 sq. ft.)**SUMMARY ZONING AND PLATTING RECOMMENDATION:**

August 15, 2006:

***APPROVED GR-CO. CO: PROHIBITED GENERAL RETAIL SALES (GENERAL) AND ALLOWED GENERAL RETAIL SALES (CONVENIENCE); 2,000 VEHICLE TRIP LIMIT. [JM, TR 2<sup>ND</sup>] (7-1) CH-NAY; KJ-ABSENT***

**Prohibited uses:**

- |  |                                  |
|--|----------------------------------|
| • Automotive Rentals                     | • General Retail Sales (General) |
| • Automotive Sales                       | • Guidance Services              |
| • Automotive Washing (of any type)       | • Hotel-Motel                    |
| • Bed & Breakfast (Group 1)              | • Indoor Entertainment           |
| • Bed & Breakfast (Group 2)              | • Off-Site Accessory Parking     |
| • Commercial Off-Street Parking          | • Outdoor Entertainment          |
| • Congregate Living                      | • Pawn Shop Services             |
| • Consumer Convenience Services          | • Personal Improvement Services  |
| • Consumer Repair Services               | • Residential Treatment          |
| • Drop-Off Recycling Collection Facility | • Restaurant (General)           |
| • Exterminating Services                 | • Theater                        |
| • Funeral Services                       |                                  |

**SUMMARY STAFF RECOMMENDATION:**

Staff offers an alternate recommendation of LR-CO (Neighborhood commercial – conditional overlay) combining district. The recommended conditional overlay shall limit the daily vehicle trips to less than 2,000 per day and prohibit the following uses:

- |                                 |                              |
|---------------------------------|------------------------------|
| • Bed & breakfast (Group 1)     | • Off-site accessory parking |
| • Bed & breakfast (Group 2)     | • Congregate living          |
| • Consumer convenience services | • Guidance services          |
| • Consumer repair services      | • Residential treatment      |

The alternate Staff recommendation is based on the following considerations:

- 1.) The proposed land uses are more suited to the LR zoning classification;
- 2.) The existing conditional overlay limits the majority of GR uses and allows for a majority of LR, GO, LO and NO land uses;

- 3.) More intensive commercial uses are best situated at the intersection of Braker Lane and Interstate 35;
- 4.) Although the North Lamar Study Area recommends commercial uses for this site and the existing land uses are more intensive, the predominant zoning classification for the parcels between Georgian Drive and Middle Fiskville Road is LO;
- 5.) The Staff's alternate recommendation will allow for a transition from intensive land uses south of the subject site to the less intensive north of Braker Lane; and
- 6.) The Staff's alternate recommendation will allow for the propose land uses.

#### **DEPARTMENT COMMENTS:**

The subject rezoning area consists of a 0.56 acre (24,393.6 sq. ft.) undeveloped land site zoned GR-CO and accessed via a driveway off Braker Lane. The property was rezoned from LO to GR-CO on June 1, 2000 by Ordinance No. 000601-18. (Please see Attachment A). The conditional overlay limited the daily vehicle trips to less than 2,000 and included a list of 25 prohibited uses. At the time, the applicant was requesting CS zoning and modified the application to request GR for automotive sales.

The applicant proposes to rezone the property to GR-CO to modify the existing conditional overlay and allow general retail sales (convenience) and prohibit general retail sales (general). The Staff's alternate recommendation will allow general retail sales (convenience) on the site. The North Lamar Area Study recommends this site for commercial uses.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-CO	Undeveloped land
<i>North</i>	NO-MU	Office / Residential
<i>South</i>	CS	Church
<i>East</i>	LO	Undeveloped land
<i>West</i>	LO	Office / Warehouse / Tool manufacturing

**AREA STUDY:** North Lamar

**TIA:** N/A (See Transportation comments)

**WATERSHED:** Walnut

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

#### **NEIGHBORHOOD ORGANIZATIONS:**

114--North Growth Corridor Alliance  
 511--Austin Neighborhoods Council  
 742--Austin Independent School District  
 937--Taking Action Inc.

#### **SCHOOLS:**

Austin Independent School District

- Walnut Elementary School
- Dobie Middle School
- Lanier High School

**RELATED CASES:**

C14-99-2091	LO to CS	01/11/00: APVD GR-CO (7-0); PROHIBIT ALL AUTO RELATED USES, COMMERCIAL OFF-STREET PKG, DROP-OFF RECYCLING COLLECTION FACILITY, FUNERAL SVCS, HOTEL/MOTEL, HOSPITAL SVCS, INDOOR ENTERTAINMENT, INDOOR SPORTS/RECREATION, OUTDOOR ENTERTAINMENT, OUTDOOR SPORTS/RECREATION, PAWN SHOPS, PERSONAL IMPROVEMENT SVCS, THEATER, FAST FOOD RESTAURANT, EXTERMINATING SVCS & GUIDANCE SVCS, 2000 TRIP LIMITATION (7-0)	02/10/00: APVD PC REC OF GR-CO, 1ST RDG (6-0); NEED R.C. FOR OTHER RESTRICTIONS  06/01/00: APVD 2ND/3RD RDGS (7-0)
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**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-98-0194	SF-2 to CS	06/15/99: APVD STAFF REC OF CS-CO W/ADTL CONDS (6-0)	07/15/99: APVD PC REC OF CS-CO W/CONDS (6-0); 1ST RDG  06/02/99: APVD (6-0 WL-ABSENT); 2ND/3RD RDGS
C14-99-0021	CS to CS-MU	03/16/99: APVD STAFF REC OF CS-MU-CO (7-0) CONSENT	04/15/99: APVD PC REC OF CS-MU-CO W/CONDS (7-0) ALL 3 RDGS
C14-01-0176	SF-3 to LO	01/22/02: APVD STAFF ALT REC OF 'NO' BY CONSENT (8-0)	02/28/02: APVD NO (6-0); 1ST RDG 03/21/02: APVD NO (7-0); 2ND/3RD RDG
C14-05-0085	GO to CS	11/15/05: APVD LR-CO W/CONDS (7-0)	03/02/06: APVD GR-CO (7-0); 1ST RDG

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Braker Lane	90'	60'	Arterial	Yes	Yes	Priority 2

**CITY COUNCIL DATE:**

August 31, 2006  
October 5, 2006

**ACTION:**

Postponed to October 5, 2006

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

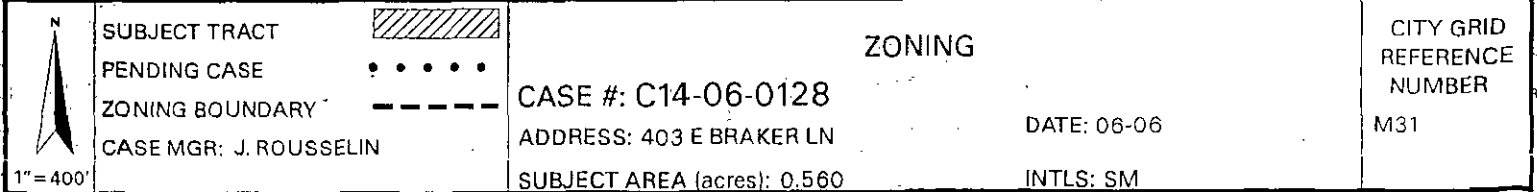
3<sup>rd</sup>

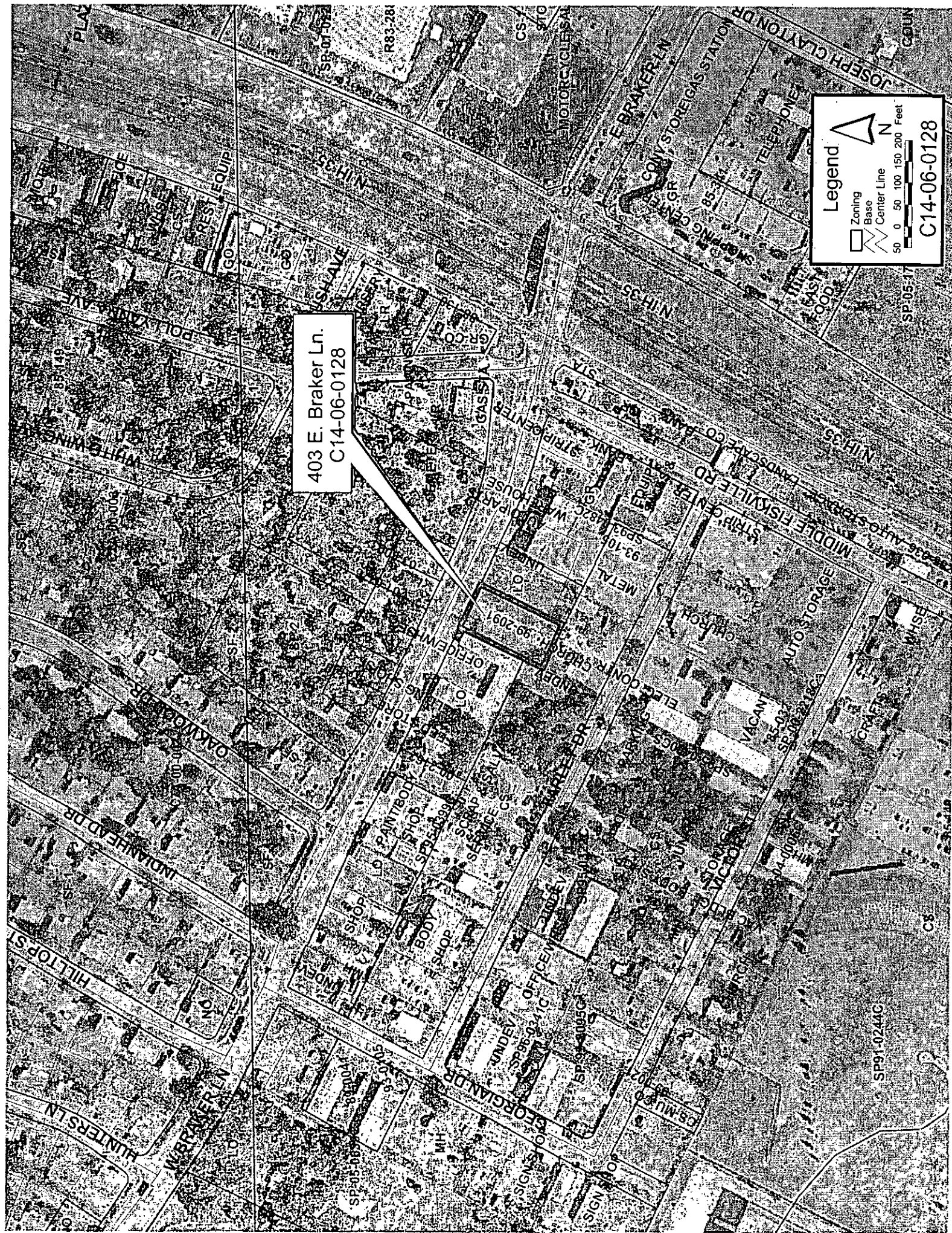
**ORDINANCE NUMBER:**

**CASE MANAGER:** Jorge E. Rousselin, NPZD

**PHONE:** 974-2975

**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)





## STAFF RECOMMENDATION

Staff offers an alternate recommendation of LR-CO (Neighborhood commercial – conditional overlay) combining district. The recommended conditional overlay shall limit the daily vehicle trips to less than 2,000 per day and prohibit the following uses:

- Bed & breakfast (Group 1)
- Bed & breakfast (Group 2)
- Consumer convenience services
- Consumer repair services
- Off-site accessory parking
- Congregate living
- Guidance services
- Residential treatment

The alternate Staff recommendation is based on the following considerations:

- 1.) The proposed land uses are more suited to the LR zoning classification;
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- 3.) More intensive commercial uses are best situated at the intersection of Braker Lane and Interstate 35;
- 4.) Although the North Lamar Study Area recommends commercial uses for this site and the existing land uses are more intensive, the predominant zoning classification for the parcels between Georgian Drive and Middle Fiskville Road is LO;
- 5.) The Staff's alternate recommendation will allow for a transition from intensive land uses south of the subject site to the less intensive north of Braker Lane; and
- 6.) The Staff's alternate recommendation will allow for the propose land uses.

## BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

*Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.*

The proposed rezoning meets the purpose statement set forth in the Land Development Code. The site will serve the existing neighborhood. The Staff's alternate recommendation of LR-CO will allow general retail sales (convenience) on the site while maintaining the intent of the existing conditional overlay to prohibit incompatible uses.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

The LR zoning classification is more conducive to encouraging a compatible mix of land uses to the existing less intense uses north of Braker Lane.

3. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*

The Staff's alternate recommendation of LR-CO will allows for a transition to the established residential neighborhood to the north. Properties located south of the subject property are predominantly more intensive in zoning.

## EXISTING CONDITIONS

### Site Characteristics

The subject rezoning area consists of a 0.56 acre (24,393.6 sq. ft.) undeveloped land site zoned GR-CO and accessed via a driveway off Braker Lane. The property was rezoned from LO to GR-CO on June 1, 2000 by Ordinance No. 000601-18. (Please see Attachment A). The conditional overlay limited the daily vehicle trips to less than 2,000 and included a list of 25 prohibited uses. At the time, the applicant was requesting CS zoning and modified the application to request GR for automotive sales.

### Transportation

1. The Austin Metropolitan Area Transportation Plan calls for a total of 140 feet of right-of-way for Braker Lane. Dedication of additional right-of-way may be required during the subdivision or site plan process. [LDC, Sec. 25-6-51 and 25-6-55]
2. The trip generation under the requested zoning is estimated to be 2,522 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).
3. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

### Environmental and Impervious Cover

1. The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

2. According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.
3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

4. At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
5. Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:
  - Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.
6. At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

#### **Water and Wastewater**

1. The landowner intends to serve the site with City of Austin water and wastewater utilities.
2. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and utility relocation.
3. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility.
4. The plan must be in accordance with the City design criteria.
5. The water and wastewater utility construction must be inspected by the City.
6. The landowner must pay the associated and applicable City fees.

#### **Site Plan and Compatibility Standards**

1. Site plans will be required for any new development other than single-family or duplex residential.
2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

#### **Compatibility Standards**

1. The site is subject to compatibility standards. Along the north property line, the following standards apply:
  - No structure may be built within 25 feet of the property line.
  - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
  - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
  - No parking or driveways are allowed within 25 feet of the property line.

- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

**ORDINANCE NO. 000601-18**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:**

**LOT "A", JEWELL S. SHANNON SUBDIVISION, FROM LIMITED OFFICE (LO) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT, LOCALLY KNOWN AS 403 EAST BRAKER LANE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from Limited Office (LO) district to Community Commercial-Conditional Overlay (GR-CO) combining district on the property described in File C14-99-2091, as follows:

Lot "A", Jewell S. Shannon Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 3, Page 398, of the Plat Records of Travis County, Texas, (the "Property")

locally known as 403 East Braker Lane, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "A".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. Notwithstanding any other provision of the City Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property, or any portion of the Property, may be approved or released, and no building permit for construction of a building on the Property, may be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation of 2,000 trips per day.

2. The following uses of the Property are prohibited:

Commercial Off-Street Parking  
Exterminating Services  
Residential Treatment  
General Retail Sales (Convenience)  
Hotel-Motel  
Indoor Sports and Recreation  
Outdoor Sports and Recreation  
Personal Improvement Services  
Restaurant (General)  
Automotive Sales  
Automotive Repair Services  
Consumer Repair Services  
Congregate Living

Drop-Off Recycling Collection Facility  
Bed and Breakfast  
Off-Site Accessory Parking  
Funeral Services  
Indoor Entertainment  
Outdoor Entertainment  
Pawn Shop Services  
Theater  
Guidance Services  
Automotive Rentals  
Automotive Washing (Of Any Type)  
Consumer Convenience Services

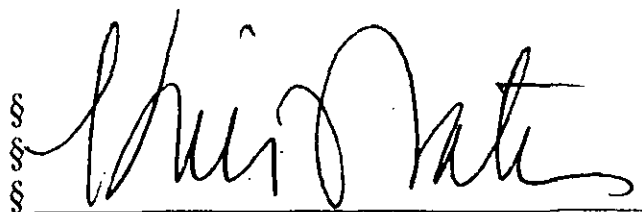
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the Community Commercial (GR) base district and other applicable requirements of the City Code.

**PART 3.** The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.


**PART 4.** This ordinance takes effect on June 12, 2000.

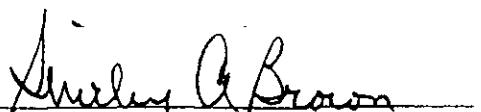
**PASSED AND APPROVED**

June 1, 2000

§  
§  
§  


Kirk Watson  
Mayor

APPROVED:   
Andrew Martin  
City Attorney

ATTEST:   
Shirley A. Brown  
City Clerk



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number. **RECEIVED** person listed on the notice.

JUL 13 2006

Case Number: C14-06-0128

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing: Neighborhood Planning & Zoning

July 18, 2006 Zoning and Platting Commission

A E MARTIN

Your Name (please print)

309 E BRAKER LN

Your address(es) affected by this application

A E Martin

Signature

Date

7-11-06

Comments:

I think all of the Braker area needs a change to C.S. The tables are to high for office use when the lots have to stay vacant. I think Henry James needs his lot changed. As he requested.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810



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**Contact:** Jorge Rousselin, (512) 974-2975

**Public Hearing:**

July 18, 2006 Zoning and Platting Commission

*Mike Stubblefield*

Your Name (please print)

*201 E Braker Ln*

Your address(es) affected by this application

*Mike Stubblefield*

Signature

Date

*7/13/06*

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Comments:

If you use this form to comment, it may be returned to:

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**Case Number:** C14-06-0128

**Contact:** Jorge Rousselin, (512) 974-2975

**Public Hearing:**

July 18, 2006 Zoning and Platting Commission

Mike Stubblefield

Your Name (please print)

203 E Braker Ln

Your address(es) affected by this application

Mike Stubblefield

Signature

Date

7/13/06



Comments:

If you use this form to comment, it may be returned to:

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Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

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**Case Number: C14-06-0128**

**Contact:** Jorge Rousselin, (512) 974-2975

**Public Hearing:**

July 18, 2006 Zoning and Platting Commission

HENRY JONES  
Your Name (please print)

201 E. Braker Ln

Your address(es) affected by this application

[Signature]  
Signature

7/12/06  
Date

Comments:



If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

## **Rousselin, Jorge**

---

**From:** Wayne Tobias [REDACTED]  
**Sent:** Sunday, August 27, 2006 5:30 AM  
**To:** Rousselin, Jorge  
**Cc:** Guernsey, Greg; Rusthoven, Jerry  
**Subject:** Postponement Request case C14-06-0128 - Austex/Reeves

Jorge,

The Walnut Creek Neighborhood Association requests a postponement of the City Council public hearing rezoning case C14-06-0128 - Austex/Reeves, from August 31 to September 28 or later.

Our August neighborhood meeting, where this issue was discussed, was held prior to the August 15 ZAP meeting. Considering Council budget discussion we did not expect this zoning issue to go before Council in August, so a special neighborhood meeting was not called after the ZAP results. We would like time to discuss the results of the ZAP vote and how to proceed with the issue before it goes to Council.

Thank You,

Wayne Tobias  
Wk: 838-1809  
Hm: 873-0170